

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20050654

1. ACTION REQUESTED/PURPOSE: Conduct a public hearing to consider the adoption of the Multicultural Affairs Advisory Board Ordinance, establishing the Multicultural Affairs Advisory Board.

2. WHAT ACTION ACCOMPLISHES: Allows the Board of County Commissioners to create the Multicultural Affairs Advisory Board.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 1

5:00 #3

5. Meeting Date: *06-14-2005*

- 6. Agenda:**
- Consent
 - Administrative
 - Appeals
 - Public
 - Walk-On

- 7. Requirement/Purpose: (specify)**
- Statute
 - Ordinance
 - Admin. Code
 - Other

8. Request Initiated:

Commissioner _____

Department County Administration

Division County Manager

By: Pete Winton
Assistant County Manager

9. Background: On Nov. 8, 2004, and Jan. 31, 2005, members of the community met to discuss the possibility of creating a minority affairs board. About 30 people attended each meeting with significant representation from former and current Black Affairs and Hispanic Affairs advisory board members, as well as the NAACP, Asian-American community, Haitian community, and Caucasians.

There was general interest in creating a new board that is more inclusive of races, cultures and geographic representation (both countywide and from the municipalities). Trying to avoid labels, the group discussed calling it a Citizens Advisory Board or Multicultural Advisory Board. The issue was discussed at the Feb. 7, 2005, Management & Planning meeting. The purpose of the proposed Multicultural Affairs Advisory Board would be:

1. To help raise awareness about community priorities for all racial groups, including, but not limited to, housing, employment, health care, and quality of life.
2. To identify and evaluate issues on a county-wide and community-wide basis by representing the interests of both unincorporated areas and incorporated areas (municipalities).
3. To coordinate with other county advisory committees on issues of interest to ensure minority group views are represented.
4. To serve as an "umbrella board" for the Black Affairs Advisory Board (BAAB), and Hispanic Affairs Advisory Board (HAAB). Issues of interest should be filtered up to the "Board" from the BAAB and HAAB, before presentation to the Board of County Commissioners (BOCC).

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
5-10-05

RECEIVED BY
COUNTY ADMIN: *MP*
5-10-05
2pm
COUNTY ADMIN
FORWARDED TO: *JK*
5-12-05
3pm

9. Background: (Continued)

ATTACHMENTS: Proposed Multicultural Affairs Advisory Board Ordinance
Financial & Administrative Impact Statement
Notice of Intent

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE CREATING A MULTICULTURAL AFFAIRS ADVISORY BOARD; PROVIDING FOR PURPOSE; PROVIDING FOR APPOINTMENT AND COMPOSITION; SETTING FORTH THE TERMS OF OFFICE; PROVIDING FOR REMOVAL FROM OFFICE; PROVIDING FOR OFFICERS, QUORUM, RULES OF PROCEDURE, LAWS; PROVIDING FOR REIMBURSEMENT OF EXPENSES; SETTING FORTH THE FUNCTIONS, POWERS AND DUTIES OF THE BOARD; PROVIDING FOR REVIEW PROCESS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR SUNSET PROVISION; PROVIDING FOR CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County has the authority to create county citizen advisory boards;

and

WHEREAS, the Board of County Commissioners of Lee County, Florida desires to create a Multicultural Affairs Advisory Board; and

WHEREAS, Lee County is a diverse community of citizens; and

WHEREAS, the Board of County Commissioners desires the input of such diverse citizens in order to enhance the quality of life for all citizens in Lee County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: ESTABLISHMENT OF THE MULTICULTURAL AFFAIRS ADVISORY BOARD

The Multicultural Affairs Advisory Board, hereinafter referred to as the "Board", is hereby created.

SECTION TWO: PURPOSE OF THE "BOARD"

1. To help raise awareness about community priorities for all racial groups, including, but not limited to, housing, employment, health care, and quality of life.
2. To identify and evaluate issues on a county-wide and community-wide basis by representing the interests of both unincorporated areas and incorporated areas (municipalities).
3. To coordinate with other county advisory committees on issues of interest to ensure minority group views are represented.
4. To serve as an "umbrella board" for the Black Affairs Advisory Board (BAAB), and Hispanic Affairs Advisory Board (HAAB). Issues of interest should be filtered up to the "Board" from the BAAB and HAAB, before presentation to the Board of County Commissioners (BOCC).

SECTION THREE: APPOINTMENT AND COMPOSITION

A. Composition

1. The "Board" will be composed of twelve (12) members to be appointed by the Board of County Commissioners. Each Commissioner will appoint two (2) members.

2. Make-up of "Board" shall consist of the following:
 - Chair or designee of (BAAB)
 - Chair or designee of (HAAB)
 - Two (2) members of African American descent
 - Two (2) members of Hispanic descent
 - One (1) member of Asian American descent
 - One (1) member of Haitian American descent
 - Four (4) at-large members
3. Every attempt should be made to have representation from the five cities.

B. Appointment

1. Members of the "Board" will be appointed by and serve at the pleasure of the Board of County Commissioners. Members must be permanent residents of Lee County.
2. Appointment of members to the "Board" shall be by resolution of the Board of County Commissioners, which resolution shall set forth the date of appointment and the term of office.
3. Members of the "Board" will be representative of the interests and needs of persons in Lee County who are of a racial minority origin, including but not limited to, such areas as education, social services, commerce, agriculture, and general culture and the arts.

SECTION FOUR: TERMS OF OFFICE

The initial terms of the office of the "Board" members shall be as follows:

- A. Four (4) members shall serve for one (1) year.
- B. Four (4) members shall serve for two (2) years.
- C. Four (4) members shall serve for three (3) years.

Thereafter, each appointment or re-appointment shall be for a term of one (1) year. However, other qualified applicants may be considered for a vacancy. Appointments to fill any vacancies on the "Board" shall be for the remainder of the unexpired term of office.

SECTION FIVE: OFFICERS; QUORUM; RULES OF PROCEDURE; LAWS

- A. Officers
 - 1. Annually the membership of the "Board" shall elect a Chair and Vice-Chair from among the members.
 - 2. Officer's terms will be for one (1) year.
- B. Quorum
 - 1. The presence of seven (7) or more members shall constitute a quorum of the "Board" necessary to take action and transact business.
 - 2. In addition, an affirmative vote of seven (7) or more members shall be necessary in order to take official action, regardless of whether seven (7) or more members of the "Board" are present at the meeting.

C. Rules of Procedure

1. The "Board" shall, by majority vote of the entire membership, adopt Rules of Procedure for the transaction of business and shall keep a written record of meetings, resolutions, findings, and determinations.
2. Copies of all "Board" minutes, resolutions, reports, and exhibits shall be submitted to the Department of Public Resources.

D. Laws

1. All "Board" meetings and members are subject to The Florida Government in the Sunshine, Public Records, and Public Officers Laws.

SECTION SIX: REMOVAL FROM OFFICE; FAILURE TO ATTEND MEETINGS

- A. Any member of the "Board" may be removed from office, with or without cause, by a majority vote of the Board of County Commissioners.
- B. Failure of any member of the "Board" to attend three (3) consecutive "Board" meetings without a satisfactory excuse or if a member is absent from more than one-half of the "Board's" meetings in a given calendar year, the Chair or Vice-Chair will declare the member's seat to be vacant and the vacancy shall be filled by appointment of the Board of County Commissioners.

SECTION SEVEN: COMPENSATION

Members of the "Board" will serve without compensation.

SECTION EIGHT: FUNCTIONS, POWERS AND DUTIES OF THE “BOARD”

The functions, powers and duties of the “Board” shall be to:

1. Identify and evaluate issues common to the minority communities.
2. Review and recommend alternatives to ensure open communication between the Board of County Commissioners and the minority communities for the promoting and fostering better understanding by the County of problems facing the minority populations.
3. Annually, develop a set of goals and objectives.
4. Annually, the “Board” shall provide a report directly to the Chair of the Board of County Commissioners on the above tasks.

SECTION NINE: CONFLICTS

Any requirements or provisions of this Ordinance that are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive requirements will apply.

SECTION TEN: SEVERABILITY

The provisions of this Ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this Ordinance would have

been adopted had such unconstitutional provision not been included therein.

SECTION ELEVEN: SUNSET PROVISION

This Ordinance and the provisions as provided herein shall be deemed repealed and of no further force and effect as of October 1, 2010.

SECTION TWELVE: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Lee County Code; and that sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Clerk of Circuit Court.

SECTION THIRTEEN: EFFECTIVE DATE

This Ordinance shall become effective immediately upon receipt of official acknowledgment from the Office of the Secretary of State that the Ordinance has been filed.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to vote, the vote was as follows:

BOB JANES _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
TAMMY HALL _____
JOHN E. ALBION _____

DULY PASSED AND ADOPTED THIS 14th day of June, 2005.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chair

APPROVED AS TO FORM:

BY: _____
Office of the County Attorney

LEE COUNTY, FLORIDA

FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT

PROPOSED COUNTY ORDINANCE:

NAME OF ORDINANCE: Multicultural Affairs Advisory Board

A. Statement of Purpose

To create a Multicultural Affairs Advisory Board of diverse citizens in order to enhance the quality of life for all citizens in Lee County.

B. Narrative Summary of Ordinance (Several Sentence Summary)

To help raise awareness about community priorities for all racial groups, including, but not limited to, housing, employment, health care, and quality of life. Identifying and evaluating issues on a county-wide and community-wide basis by representing the interests of both unincorporated areas and incorporate areas. Coordinating with other county advisory committees on issues of interest to ensure minority group views are represented. Serving as an “umbrella board” for the Black Affairs Advisory Board (BAAB), and Hispanic Affairs Advisory Board (HAAB). Issues of interest will be filtered up to the Multicultural Affairs Advisory Board, before presentation to the Board of County Commissioners.

C. Principal Division(s) or Department(s) Affected (List)

County Administration

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE**

Creation of Multi Cultural Affairs Advisory Board

II. FISCAL IMPACT ON COUNTY AGENCIES/COUNTY FUNDS (This section to be completed by OBS).

A. What is estimated Demand? (Develop Indicators) **N/A**

B. What is estimated Workload? (Develop Indicators) **N/A**

C. What are estimated costs?

	<u>1st Year \$'s</u>		<u>2nd Year \$'s</u>	
	<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>New</u>
Personnel	N/A		N/A	
Fringe	N/A		N/A	
Operating	N/A		N/A	
Capital Outlay	N/A		N/A	
Total	N/A		N/A	

D. List the anticipated revenues to cover costs identified in II.C. above. If a fee is to be charged, answer the following:

1. What is the basis (rationale) for the fee? **N/A**

2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered? **N/A**

E. Give a brief narrative analysis of the information contained in II.A. through D. above.

No administrative or financial impact.

LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY ORDINANCE

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 14th day of June 2005, at 5:00 o'clock p.m., in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Ordinance pursuant to Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

AN ORDINANCE CREATING A MULTI CULTURAL AFFAIRS ADVISORY BOARD; PROVIDING FOR PURPOSE; PROVIDING FOR APPOINTMENT AND COMPOSITION; SETTING FORTH THE TERMS OF OFFICE; PROVIDING FOR REMOVAL FROM OFFICE; PROVIDING FOR OFFICERS, QUORUM, RULES OF PROCEDURE, LAWS; PROVIDING FOR REIMBURSEMENT OF EXPENSES; SETTING FORTH THE FUNCTIONS, POWERS AND DUTIES OF THE BOARD; PROVIDING FOR REVIEW PROCESS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR SUNSET PROVISION; PROVIDING FOR CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

1. Copies of this Notice and the proposed Ordinance are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the proposed Ordinance during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.

2. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Ordinance.

3. Anyone wishing to appeal the decision(s) made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

4. The Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State, or as may be otherwise prescribed in the Ordinance.

5. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is in conformance with Section 125.66, Florida Statutes (2004), and other relevant sections of Florida law.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By:  _____
Office of the County Attorney

Ad Size: 2 x 5
Publishing Dates: **May 31, 2005 & June 7, 2005**